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AN ORDINANCE

AN ORDINANCE OF THE HARRIS COUNTY BOARD OF COMMISSIONERS TO AMEND APPENDIX A - ZONING, OF THE HARRIS COUNTY CODE OF ORDINANCES, ARTICLE II - DEFINITIONS, ARTICLE IV - ZONING DISTRICT OBJECTIVES, USES AND REGULATIONS, SECTION 2, AND ARTICLE V - SUPPLEMENTARY REGULATIONS; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HARRIS COUNTY, GEORGIA, AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

**SECTION 1 - AMENDMENTS**

- A. **Article II. Definitions**, is hereby amended by adding the definition of Agri-tourism as follows:

*Agri-Tourism* - An agriculturally related tourism enterprise open to the public for the enjoyment, education and/or active involvement of the visitor that generates supplemental income for an existing and operating farm actively producing agricultural products for purchase and sale, and is located on a parcel of land of at least ten (10) acres with a minimum of five (5) acres of permanent agriculture/forestry/seasonal crop(s) used for the production of plants and/or animals for use by humans.

- B. **Article II. Definitions**, is hereby amended by adding the definition of Farmers Market as follows:

*Farmers Market* - The sale of agricultural products directly to the consumer from a site on the working farm to include display and sale of agricultural related promotional items and handicrafts produced on-site or off-site, provided the primary product sold is an agricultural product and/or agricultural by-product produced on site. Items which may be included for retail sale are: all agricultural and horticultural products; animal feed; baked goods; ice cream to include ice cream desserts and beverages; jam; honey; gift items; food stuffs; and clothing and other items promoting the farm and/or agriculture in Harris County (t-shirts, caps, aprons, belt buckles, mugs, refrigerator magnets with farm name/logo, etc.). Specifically excluded is the sale, give away, or provision of alcoholic beverages of any kind. Area for all processed food (not grown by person owning/leasing the property) and gift items may not exceed a total of 1,000 square feet of interior floor space. Farmers Markets are subject to all state health regulations and any other requirements from the state regarding the sale of food and produce.

- C. **Article IV. Zoning District Objectives, Uses and Regulations, Section 2 - Permitted Uses in Zoning Districts**, is hereby amended by adding the following:

3.5 Agri-tourism

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See Art. V, 22.1(8)

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D. Article V. Supplementary Regulations, is hereby amended by adding the following:

**22. Agri-tourism.**

The purpose of this section is to encourage the economic development of agriculturally related tourism businesses that are open to the public for the enjoyment, education and/or active involvement of the visitor, with said usage generating supplemental income for the farm. Usual structures on farms include garages, machine sheds, barns, and residence.

**22.1 Regulations:**

- (1) Farm must be at least ten (10) acres with a minimum of five (5) acres of permanent agriculture/forestry/seasonal crop(s) used for the production of plants and/or animals for use by humans.
  - (a) Said production of plants and/or animals includes, but is not limited to, sod crops; grain and feed crops; dairy animals and dairy products; poultry (including ratites) and poultry products; livestock (including beef cattle, goats, sheep, swine, llama, alpaca, farmed deer, bison, buffalo, and horses); breeding and grazing of beef cattle, goats, sheep, swine, llama, alpaca, farmed deer, bison, buffalo and horses; bees and apiary products; fur animals; trees and forest products; all fruits, including tree-fruits, grapes, nuts, berries; vegetables; and aquacultural, herbs, nursery, floral, ornamental, horticultural and greenhouse products.
- (2) Farm must be an existing and operating farm actively producing agricultural products for purchase and sale.
- (3) Permanent farm structures open to the public shall meet state and local building and safety code requirements.
- (4) Agri-Tourism business shall be owned/leased by the owner of the property on which the business is located.
- (5) A scaled land development plan showing the location and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, sanitary facilities, areas where visits will be permitted and restricted, and landscaping (if required to buffer adjacent properties) must be submitted with application for special use permit. Said plan may be hand-drawn, but must be scaled appropriately.
- (6) Food and/or beverages provided for sale and/or consumption on farm must meet all appropriate federal, state, and local regulations.
- (7) Food and/or beverages should be limited to only those products that are produced from or grown on the farm, unless they are secondary and incidental to the primary agri-tourism business, and in all cases, the use of locally grown or produced food and/or beverages is encouraged.
- (8) Vehicles may not be parked on adjacent shoulders of public roads or on public rights-of-way.
- (9) All Agri-Tourism operations are required to have a business license/occupational tax certificate.

22.2. Activities permitted. Activities, which must be incidental to and directly support the agricultural use of the property and not have a significant impact on the agricultural viability or rural character of neighboring properties, are as follows:

- (1) bird watching
- (2) blacksmithing/horseshoeing
- (3) bonfire
- (4) camping facilities for youth organizations (use is limited to three (3) consecutive days and must be in conjunction with agriculturally related activities)
- (5) Christmas trees (cut your own or pre-cut)
- (6) cider pressing
- (7) cut your own flowers
- (8) farm antiques (display and for sale)
- (9) farm demonstrations/participation (wool spinning, quilting, wreath making, ice cream making, butter churning, food canning, cheese making, cooking, cattle roundup, feeding animals, hay making, milking, plowing, planting, sheep herding, sheep shearing, and weeding)
- (10) farm museum
- (11) farm tours
- (12) farmers market (see Definitions, Art. II)
- (13) fee fishing for kids/youth
- (14) festivals/fairs (limited to three (3) per year, are subject to available parking and shall not exceed three (3) days in length, and vendors may use the site for overnight camping during the time said vendor occupies a sales booth during said festival/fair)
- (15) gourd golf
- (16) haunted house, barn, forest
- (17) mazes (corn, straw bales, bamboo)
- (18) old farm equipment (display and for sale)
- (19) pedal powered tractors for kids
- (20) petting/feeding pens/zoos
- (21) picnics/picnic areas
- (22) products that are handcrafted on the farm
- (23) pumpkin bowling
- (24) pumpkin carving
- (25) pumpkin patch
- (26) story telling
- (27) u-pick vegetables or fruit
- (28) wagon/tractor/hay rides

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22.3 Activities specifically excluded

- (1) tournaments/contests: softball, baseball, volleyball, horseshoes, tennis, swimming, etc.
- (2) lodging of any kind: bed and breakfasts, camping (except as noted) and campgrounds, or farm vacations
- (3) carnival rides: mechanical devices which carry or convey passengers along, around, or over a fixed or restricted route or course within a defined area for the purpose of giving passengers amusement, pleasure, thrills or excitement
- (4) special events not related to agriculture: art shows, concerts, dances, theater productions, teaching seminars, etc.
- (5) the production, sale, give away or provision of any alcoholic beverage
- (6) flea markets

**SECTION 2: UNCONSTITUTIONALITY**

If any part of this ordinance shall be deemed to be unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment and the remainder thereof shall remain in full force and effect.

**SECTION 3: REPEALER**

All laws, ordinances, resolutions or part thereof which conflict with this ordinance are hereby repealed.

**SECTION 4: EFFECTIVE DATE**

This Ordinance shall become effective upon adoption.

INTRODUCED & FIRST READING BEFORE PLANNING COMMISSION: \_\_\_\_\_

INTRODUCED & SECOND READING BEFORE BOARD OF COMMISSIONERS: \_\_\_\_\_

ADOPTED/REJECTED: \_\_\_\_\_